

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MS JUSTICE G.ROHINI

TAKEN UP WRIT PETITION NO : 23194 of 2001

Between:

- 1 A.Raja Ram s/o A.Shiva Ram
R/o H.No. 6-6-209/A/3, Hanamkonda, Warangal
- 2 Arvind Kumar S/o Satish Kumar
R/o H.No. 6-6-209/A/3, Hanamkonda, Warangal
- 3 Jaipal Reddy S/o Rajpal Reddy
R/o H.No. 6-6-209/A/3, Hanamkonda, Warangal

..... PETITIONERS

AND

- 1 The District Collector Warangal, Warangal Dist
- 2 The Commissioner, Municipal Corporation Warangal, Warangal Dist
- 3 The Director, State Archives. Govt of A.P TarnakA, Hyderabad
- 4 The Secretary to Govt. of India, Ministry of Cultural Affairs, New Delhi
- 5 Niyaz Fatima, R/o Hanamkonda, Warangal Dist
- 6 The Superintendent, Archeology, Hanamkonda, Warangal District.

(Respondent No.6 is impleaded as per court order in WP No.23194 of 2001 dated 5-11-2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 8-10-2001 the High Court will be pleased to

issue an order, direction, or a writ, more particularly one in the nature of writ of Mandamus calling for the records and remarks from the respondent Nos.1 to 4 herein in and connected to: 1) "Dismantling and rebuilding of the old sheds at H.No.6-6-49 with R.C.C. construction into a new shop to run the business by Smt. Niyaz Fatima, r/o Hanamkonda, Warangal, and other near the Thousand Pillar Temple notified as a national heritage structure by the Central Government due to which fresh construction around 100 metres of the said monument is banned; 2) "In-action on the part of the respondents Nos 1 to 4 herein against Smt. Niyaz Fatima Respondent No.5 and others violating the rules and provisions of the Municipal Corporation of Warangal in spite of several representations made by the petitioners and to pass orders directing the respondents Nos 1 to 4 herein to take necessary action against the persons who have violated the provisions of the Municipal Corporation Act and also the authorities responsible for the same in public interest.

Counsel for the Petitioner: PETITION

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.K.Venugopal Reddy

Counsel for the Respondent No.3: The Govt. Pleader for School Education

Counsel for the Respondent Nos.4 and 6: Mr.A.Rajasekhar Reddy, SC for Central Government.

Counsel for the Respondent No.5: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition was filed as Public Interest Litigation complaining of dismantling and rebuilding of old shed with new shop by the fifth respondent near Thousand Pillar Temple at Hanamkonda, Warangal District being one of the monuments of national importance.

After notice, K.Vivekanand, IAS, Municipal Commissioner, Warangal Municipal Corporation filed an affidavit stating that Niyaz Fathima, the fifth respondent, resident of H.No.6-6-49 situated at Rayapura main road near the Thousand Pillar Temple submitted a building application seeking permission for constructing a shop with RCC slab by removing the old structure. Original registration documents were not submitted and the plans were not signed by the licensed surveyor. Permission was rejected on the ground that construction was falling within 100 meters of the monument. Refusal memo dated 31-8-2001 was served upon the fifth respondent. Unauthorisedly, the fifth respondent constructed a shop behind the old structure, which was hiding due to the old structure. Therefore, action was taken against the fifth respondent and disciplinary action was also initiated against the Town Planning Building Overseer for negligence of duty.

Superintending Archaeologist, Archaeological Survey of India also filed an affidavit stating that the Thousand Pillar Temple is an important national monument built by Kakatiyas, which is surrounded by several old constructions. Notification was issued prohibiting construction in the 100 metre zone and it is stated that action is now being taken by the other official respondents including the District Collector and Municipal Commissioner. As on today, the unauthorized constructions have been removed. Learned counsel for the petitioners also states that the unauthorised construction made by the fifth respondent has also been removed. In that view of the matter, no further direction deserves to be issued in this petition, which is accordingly disposed of.

DEVINDER GUPTA, CJ

29-11-2004

G.ROHINI, J

Tvr

To

- 1 The District Collector Warangal, Warangal Dist
- 2 The Commissioner, Municipal Corporation Warangal, Warangal Dist
- 3 The Director, State Archives. Govt of A.P TarnakA, Hyderabad
- 4 The Secretary to Govt. of India, Ministry of Cultural Affairs, New Delhi
- 5 The Superintendent, Archeology, Hanamkonda, Warangal District.

6 2 CCs to the Govt. Pleader for Revenue, High Court buildings,
Hyderabad (OUT).

7 2 CCs to the Govt. Pleader for School Education, High Court
Buildings, Hyderabad (OUT).

8 2 CCs to the Senior Central Government Standing Counsel, High
Court Buildings, Hyderabad (OUT).

9 2 CCs to the Member Secretary, Legal Services Authority, High Court
Buildings, Hyderabad (OUT).

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